

Electronic Appendix Instructions

For briefing orders issued after July 2, 2012, [Local Rule 25\(a\)\(1\)\(D\)](#) requires appendices in formally briefed cases to be filed in electronic and paper form. In agency cases, [Local Rule 25\(a\)\(1\)\(C\)](#) permits counsel to adopt an electronic administrative record as the electronic appendix. See the [Local Rules](#) and the [Fourth Circuit Brief & Appendix Requirements](#) for detailed information on the format and content requirements for electronic appendices.

This document will cover:

- [Creating an electronic appendix from the district court docket](#);
 - [Filing an electronic appendix in appellate CM/ECF](#); and
 - [Adopting an administrative record as appendix in an agency case](#).
- **Creating an electronic appendix from the district court docket**

For cases arising from a district court action, the electronic appendix can be created directly from the docket. You must log in to district court CM/ECF to utilize the "Create Appendix" functionality. PACER users do not have access to "Create Appendix."

1. Log in the district court CM/ECF application.
2. Select **Reports**.
3. Select **Docket Sheet**.
4. Enter the district court case number.
5. Under *Document Options*, select **Create Appendix**.
6. Select **Find This Case**.

The screenshot displays the CM/ECF Docket Sheet interface. At the top, there is a navigation bar with tabs for Civil, Criminal, Query, Reports, and Utilities. The 'Reports' tab is selected and highlighted with a red box. Below the navigation bar, the 'Docket Sheet' section is visible. A 'Case number' field contains '11-345' and is highlighted with a red box. To its right is a 'Find This Case' button, also highlighted with a red box. Below the case number field, there are radio buttons for 'Filed' and 'Entered', and a 'Documents' field. The 'Include:' section contains several checkboxes, with 'Parties and counsel', 'Terminated parties', 'List of member cases', 'Restricted entries', 'Sealed entries', and 'Links to Notices of Electronic Filing' all checked. The 'Document options:' section contains checkboxes for 'Include headers when displaying PDF documents', 'View multiple documents', 'Create Record on Appeal', and 'Create Appendix'. The 'Create Appendix' checkbox is checked and highlighted with a red box. Below this, the 'Exclude entries with these types of restrictions:' section contains checkboxes for 'court user', 'ex parte', and 'applicable party', all of which are checked. At the bottom, there is a 'Sort by' dropdown menu set to 'Oldest date first', and two buttons: 'Run Report' and 'Clear'.

7. If more than one case is returned, select the correct case then select **Run Report**.
8. The docket sheet will open.
9. Select documents for the appendix by checking the box next to the docket number.
10. After selecting all appendix documents, if you need to rearrange the order of the documents, you can enter numbers in the *Sort Order* column.

Date Filed	#	clear	Sort Order	Docket Text
06/23/2011	1	<input checked="" type="checkbox"/>		INDICTMENT as to Ever Enrique Medina (1) count(s) 1. (c/s) (jnl, Deputy Clerk) (Entered: 06/24/2011)
06/28/2011	2	<input type="checkbox"/>		PAPERLESS NOTICE OF HEARING by U.S. Attorney's Office as to Ever Enrique Medina. PLEASE NOTE: Defendant is not in custody. A writ has not been requested. A come up has not been requested. An interpreter will not be needed. Initial Appearance set for 7/1/2011 11:00 AM in Courtroom 7B, 101 West Lombard Street, Baltimore, Maryland 21201, before Magistrate Judge Stephanie A Gallagher. (Budlow, Paul) (Entered: 06/28/2011)
06/28/2011	3	<input type="checkbox"/>		Corrected PAPERLESS NOTICE OF HEARING by U.S. Attorney's Office as to Ever Enrique Medina. PLEASE NOTE: Defendant is not in custody. A writ has not been requested. A come up has not been requested. An interpreter for Spanish was requested on 6/28/2011. Initial Appearance set for 7/1/2011 11:00 AM in Courtroom 7B, 101 West Lombard Street, Baltimore, Maryland 21201, before Magistrate Judge Stephanie A Gallagher. (Budlow, Paul) (Entered: 06/28/2011)
07/01/2011	4	<input type="checkbox"/>		Initial Appearance as to Ever Enrique Medina (Defendant informed of Rights.) held on 7/1/2011 before Magistrate Judge Stephanie A Gallagher. (Interpreter: Marta Goldstein) (Court Reporter: FTR Smith) (jas, Deputy Clerk) (jas, Deputy Clerk). (Entered: 07/01/2011)
07/01/2011	5	<input type="checkbox"/>		Interpreter Marta Goldstein appointed in case as to Ever Enrique Medina (jas, Deputy Clerk) (Entered: 07/01/2011)
07/01/2011	6	<input type="checkbox"/>		CJA 23 Financial Affidavit by Ever Enrique Medina. (hml, Deputy Clerk) (Entered: 07/01/2011)
07/01/2011	7	<input checked="" type="checkbox"/>		ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Ever Enrique Medina. Signed by Magistrate Judge Stephanie A Gallagher on 7/1/11. (hml, Deputy Clerk) (Entered: 07/01/2011)
07/01/2011	8	<input type="checkbox"/>		ORDER OF DETENTION by Agreement as to Ever Enrique Medina. Signed by Magistrate Judge Stephanie A Gallagher on 7/1/11. (hml, Deputy Clerk) (Entered: 07/01/2011)
07/05/2011	9	<input type="checkbox"/>		PAPERLESS NOTICE OF HEARING by U.S. Attorney's Office as to Ever Enrique Medina. PLEASE NOTE: Defendant is in custody. A writ has not been requested. A come up was requested on 7/5/2011. An interpreter for Spanish was requested on 7/5/2011. Arraignment set for 7/8/2011 10:00 AM in Courtroom 7B, 101 West Lombard Street, Baltimore, Maryland 21201, before Magistrate Judge Susan K. Gauvey. (Budlow, Paul) (Entered: 07/05/2011)
07/08/2011	10	<input type="checkbox"/>		DOCKETED IN ERROR Arraignment as to Ever Enrique Medina (1) Count 1 held on 7/8/2011, Plea entered by Ever Enrique Medina Not Guilty on count 1, before Magistrate Judge Susan K. Gauvey. (FTR Gold: C. Crawford) (JS/crc, Deputy Clerk) Modified on 7/8/2011 (Entered: 07/08/2011)
07/08/2011	11	<input type="checkbox"/>		Arraignment as to Ever Enrique Medina (1) Count 1 held on 7/8/2011, Plea entered by Ever Enrique Medina Not Guilty on count 1 before Magistrate Judge

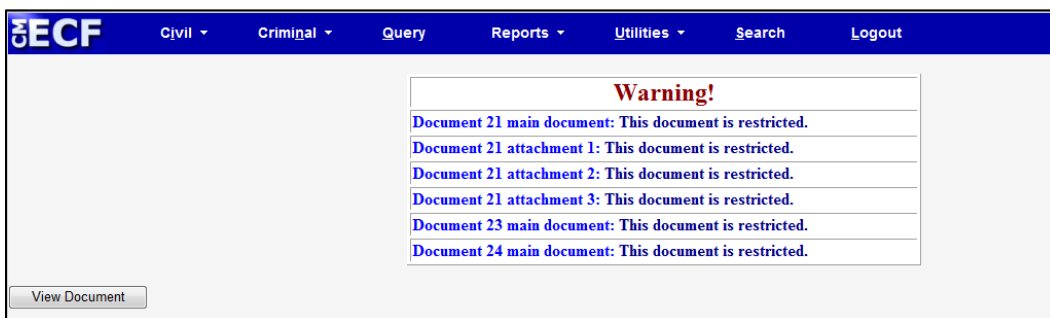
11. If the appendix will contain transcripts, note the **Release of Transcript Restriction** date. You will need this information during filing.

03/05/2012	33	<input checked="" type="checkbox"/>		NOTICE OF FILING OF OFFICIAL TRANSCRIPT as to Ever Enrique Medina for dates of 9/27/2011 before Judge James K. Bredar, re 28 Notice of Appeal - Final Judgment Court Reporter/Transcriber Christine T. Asif, Telephone number 410-962-4492. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained from the Court Reporter or through PACER. <u>Does this satisfy all appellate orders for this reporter? - N.</u> Redaction Request due 3/26/2012. Redacted Transcript Deadline set for 4/5/2012. <u>Release of Transcript Restriction set for 6/4/2012</u> (ca, Court Reporter) (Entered: 03/05/2012)
03/05/2012	34	<input checked="" type="checkbox"/>		NOTICE OF FILING OF OFFICIAL TRANSCRIPT as to Ever Enrique Medina for dates of 12/16/2011 before Judge James K. Bredar, re 28 Notice of Appeal - Final Judgment Court Reporter/Transcriber Christine T. Asif, Telephone number 410-962-4492. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained from the Court Reporter or through PACER. <u>Does this satisfy all appellate orders for this reporter? - Y.</u> Redaction Request due 3/26/2012. Redacted Transcript Deadline set for 4/5/2012. <u>Release of Transcript Restriction set for 6/4/2012</u> (ca, Court Reporter) (Entered: 03/05/2012)

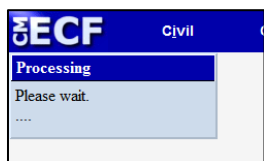
12. After selecting all documents, scroll to the end of the docket sheet.
13. Before viewing or downloading the documents, make sure that the footer format is set to **<pagenum>** so the program will automatically paginate the combined document. The appendix pages must be numbered, if you do not use the automatic numbering feature, the pages will have to be numbered manually or using other document preparation software.
14. Make sure **Include full docket sheet** and **Include documents in Appendix** are selected.
15. Select **View Selected** to preview the complied documents.

Footer format: <input type="text" value="<pagenum>"/> (Numbers, letters, spaces, and <pagenum> only)	<input checked="" type="radio"/> Include full docket sheet <input type="radio"/> Include abridged docket sheet	<input checked="" type="radio"/> Include documents in Appendix <input type="radio"/> Include document hyperlinks in Appendix
<input type="button" value="View Selected"/>		
or		
<input type="button" value="Download Selected"/>		

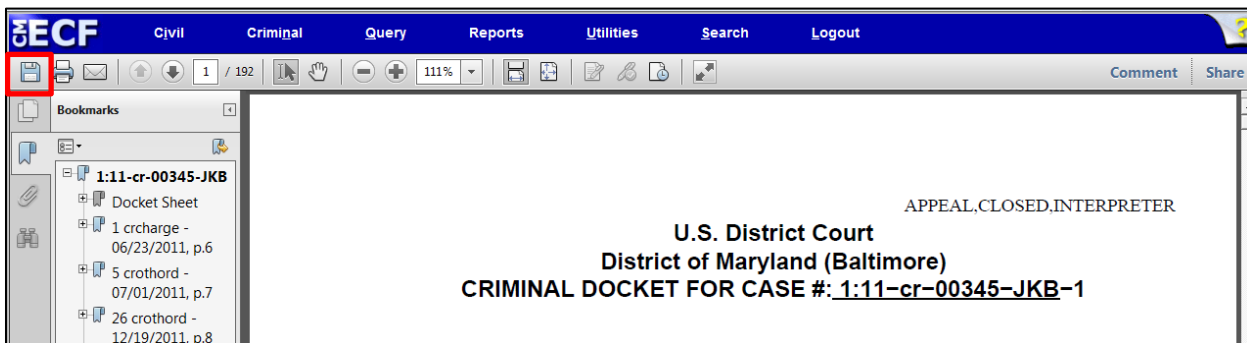
16. If any documents selected are restricted or sealed, a Warning! message will appear. Click back to remove these documents from the appendix. Restricted and Sealed documents must be filed in a separate sealed volume.



17. A Processing message will appear as the document is compiled.



18. The compiled appendix will load.
19. Review the file to ensure all documents are included.
20. Select the save icon to save the appendix to your computer.



21. Name the file appropriately and save it to a location that you will be able to locate easily.
22. The electronic appendix must include a cover page and table of contents. The cover page and table of contents may be uploaded as separate files or combined with the body of the appendix.

- **Filing an electronic appendix in appellate CM/ECF**

1. Login to Appellate CM/ECF.
2. Select **Filing**.
3. Select **File a Document**.
4. Enter the case number.
5. Select **Briefing Documents** from the left column.
6. Select **APPENDIX (electronic & paper form)** from the right column.
7. Select **Continue**.

The screenshot shows the 'File a Document' interface for Case 11-4567 US v. John Franklin. The 'Case' field contains '11-4567'. The 'Filed Date' is '06/30/2012'. On the left, under 'Select One', 'Briefing Documents' is selected. On the right, under 'Select One', 'APPENDIX (electronic & paper form)' is selected. The 'Continue' button is highlighted at the bottom right.

8. The event filing screen will open.
9. If you are filing an amended or supplemental appendix, select the appropriate modifier from the drop down.
10. Select **FULL ELECTRONIC APPENDIX** from the drop down if you are filing a complete electronic appendix; or select **ELECTRONIC APPENDIX EXCERPT** if you are filing an excerpt. See [Local Rule 25\(a\)\(1\)\(D\)](#) for electronic appendix excerpt requirements.

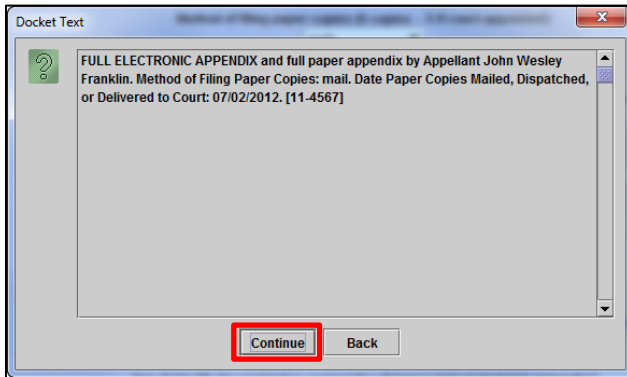
The screenshot shows the 'Additional Information' section. The 'Select modifier if appropriate' dropdown is empty. Below it is a 'NOTE' stating: '877: If excerpt option used, brief must contain parallel record & appendix cites, and full paper appendix must be served on opposing counsel.' The 'Electronic option used:' dropdown is open, showing 'FULL ELECTRONIC APPENDIX' and 'ELECTRONIC APPENDIX EXCERPT' as options.

11. Enter the **Date paper copies mailed, dispatched or delivered to court.**
12. Select the **Method of filing paper copies (6 copies – 5 if court-appointed).**
13. Select the filer(s).

14. Use the drop down to indicate if the **Release of Transcript Restriction** date has expired for all transcripts included in the appendix.

15. Select **Browse** to locate upload the electronic appendix file.
16. Each file may be up to 50MB. If the appendix is larger than 50MB, split the appendix into multiple files. Select **Add Another** to upload additional files.
17. After all appendix files are uploaded, select **Continue**.

18. The *Docket Text* window will appear. If it is correct, select **Continue**. If you need to make corrections, select **Back**.



19. The *Event Review* window will appear, select **Submit** to file the electronic appendix.
20. If the appendix contains sealed material, use **SEALED APPENDIX (electronic & paper form)** to file the sealed volume(s).
21. Select **Briefing Documents** from the left column.
22. Select **SEALED APPENDIX (electronic & paper form)** from the right column.
23. Select **Continue**.

A screenshot of the 'Filing SEALED APPENDIX (electronic & paper form)' window. The window has a title bar with the same text and standard controls. Below the title bar is a menu bar with 'Filing', 'Reports', 'Utilities', 'Logout', and 'Help'. The main area has a light blue background. On the left, there is a vertical sidebar with the text 'CM/ECF Appellate'. The main content area is titled 'File a Document'. Below this title, it says 'Case: 11-4567' and 'Enter case number as yy-nnnn or yy-nnnnn (e.g., 05-2475 or 05-68492)'. Below that, it says 'Filed Date: 06/30/2012'. There are two columns of radio button options. The left column includes: 'Forms, Notices & Filing Fees', 'Motions, Responses & Replies', 'Briefing Documents' (which is selected with a black dot), 'Argument Notices & Acknowledgment', 'Judgments', 'Rehearing Petitions & Answers', 'Bills of Cost & Objections', 'Other, Sealed & Paper Filings', and 'All Attorney Events'. The right column includes: 'Memorandum response brief (no paper copies required)', 'Notice of paper filing', 'Notice that no brief will be filed', 'Pro se supplemental brief', 'Rule 30c page-proof opening brief (no paper copies required)', 'Rule 30c page-proof opening/response brief (no paper copies)', 'Rule 30c page-proof response brief (no paper copies required)', 'Rule 30c page-proof response/reply brief (no paper copies)', 'SEALED APPENDIX (electronic & paper form)' (which is selected with a black dot), 'SEALED BRIEF (all formal, sealed briefs/electronic & paper form)', 'Supplemental authorities (FRAP 28(j))', and 'Supplemental authorities response'. Below the options, there is a blue text instruction: 'Uncheck boxes for each case in which this document should not be filed.' Below that is a 'Case Selection' section with a text box containing '11-4567 US v. John Franklin (Target Case)'. At the bottom, there is a status line 'Total: 0 Selected: 0' and two buttons 'All' and 'Clear All'. At the very bottom center is a 'Continue' button.

24. The event filing screen will open.
25. Answer all *Additional Information* prompts appropriately.
26. Select the filer(s).
27. Select **Browse** to upload the electronic appendix file.
28. Each file may be up to 50MB. If the sealed appendix is larger than 50MB, split the appendix into multiple files. Select **Add Another** to upload additional files.
29. After all sealed appendix files are uploaded, select **Continue**.

Filing SEALED APPENDIX (electronic & paper form)

Filing Reports Utilities Logout Help

Case 11-4567 US v. John Franklin

CM/ECF Appellate

Additional Information

Select modifier if appropriate:

Additional Information

Filed Ex parte?

N

Additional Information

Method of filing paper copies (4 copies marked sealed):

courier

NOTE

589i:
Counsel must serve sealed documents outside CM/ECF system
since system access to document is limited to court.

Additional Information

Date copies mailed, dispatched or delivered to court:

07/02/2012

Party Filer

Please select the filer(s) below. In consolidated cases, use the All Cases button to apply your selection to all of the consolidated cases.

Filer	Type	Case Number	Short Title
<input checked="" type="checkbox"/> Franklin, John Wesley	Appellant-Defendant	11-4567	US v. John Franklin
<input type="checkbox"/> US	Appellee-Plaintiff	11-4567	US v. John Franklin

Display All Parties All Cases Select All Clear All

30. The *Docket Text* window will appear. If it is correct, select **Continue**. If you need to make corrections, select **Back**.
31. The *Event Review* window will appear, select **Submit** to file the sealed electronic appendix.

- **Adopting an administrative record as appendix in an agency case**

[Local Rule 25\(a\)\(1\)\(C\)](#) addresses the adoption of administrative records in agency cases as the appendix:

- If the agency files the administrative record in electronic form, counsel filing the opening brief may adopt the administrative record in lieu of filing an appendix under section [Local Rule 25\(a\)\(1\)\(D\)](#), file four additional paper copies of the administrative record, and cite to the AR rather than the JA. See below for instructions.
- In social security appeals, appellant's counsel must also file an appendix under [Local Rule 25\(a\)\(1\)\(D\)](#) that contains any district court documents necessary for appellate review. See [Filing an electronic appendix in appellate CM/ECF](#) for instructions.
- If the agency files the administrative record in paper form, counsel filing the opening brief must file an appendix in accordance with [Local Rule 25\(a\)\(1\)\(D\)](#). See [Filing an electronic appendix in appellate CM/ECF](#) for instructions.

1. Login to Appellate CM/ECF.
2. Select **Filing**.
3. Select **File a Document**.
4. Enter the case number.
5. Select **Briefing Documents** from the left column.
6. Select **Administrative Record Adopted (4 paper copies)** from the right column.
7. Select **Continue**.

The screenshot shows the 'File a Document' interface in the CM/ECF Appellate system. The case number '12-1660' is entered in the 'Case' field. The 'Filed Date' is '06/30/2012'. The left sidebar shows 'Briefing Documents' selected. The right sidebar shows 'Administrative record adopted (4 paper copies filed)' selected. The bottom of the form has a 'Continue' button.

8. Enter the **Date paper copies mailed, dispatched or delivered to court.**
9. Select the **Method of filing paper copies (6 copies – 5 if court-appointed.**
10. Select the filer(s).

11. Select the administrative record from the *Related Previous Entries* box.
12. Select **Add**.
13. The administrative record will appear in the *Selected Entries* box.
14. Select **Continue**.

32. The *Docket Text* window will appear. If it is correct, select **Continue**. If you need to make corrections, select **Back**.
33. The *Event Review* window will appear, select **Submit** to file the sealed electronic appendix.